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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the seventh periodic report of Costa Rica

Addendum

Replies of Costa Rica*

[Date received: 13 March 2017]

Note: The present document is being circulated in English, French and Spanish only.
* The present document is being issued without formal editing.

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Please recycle

Acronyms

CCSS	Costa Rican Social Security Fund
CEAAM	Temporary Care and Shelter Centres for Women
CINAI	Children's Nutrition and Comprehensive Care Centres
CINDEA	Integrated Adult Education Centres
CNREE	National Council for Rehabilitation and Special Education
COAVIF	Domestic Violence Hotline
CONATT	National Coalition to Combat Illegal Smuggling of Migrants and Human Trafficking
HIV	Human immunodeficiency virus
INDER	Institute for Rural Development
INA	National Training Institute
INAMU	National Institute for Women
INC	National Institute of Criminology
INEC	National Statistics and Census Institute
IMAS	Joint Social Assistance Institute
MAG	Ministry of Agriculture and Livestock
MEIC	Ministry of Economic Affairs, Industry and Commerce
MEP	Ministry of Public Education
MIDEPLAN	Ministry of National Planning and Economic Policy
MINSA	Ministry of Health
MIVAH	Ministry of Housing and Human Settlements
MJP	Ministry of Justice and Peace
MPS	Ministry of Public Security
MTSS	Ministry of Labour and Social Security
OFIM	Municipal Offices for Women's Affairs
PANI	National Child Welfare Agency
PIEG	National Policy on Gender Equality and Equity
PJ	Judiciary
SIGIG	Gender Equality Management System
TSE	Supreme Electoral Tribunal
UNAFUT	Union of First Division Football Clubs
VIF	Domestic violence

Legislative framework equality and non-discrimination

1. The Political Constitution enshrines the principles of equality and non-discrimination.

2. No constitutional provision or any other law contains the definition of discrimination against women as worded in/the Convention on the Elimination of All Forms of Discrimination against Women or explicitly includes the concepts of direct and indirect discrimination.

3. However, in interpreting the constitutionality of specific norms and situations involving discriminatory treatment, the Constitutional Chamber applies the concept of discrimination in line with the Convention and the concepts of direct and indirect discrimination.

4. The relevant constitutional jurisprudence in this matter derives from those conceptual definitions, beginning with Constitutional Chamber Vote 3435-92 requiring direct application of the principles of the Convention where they would promote the rights of women. Judgments 135-2013, 15778-2015, 004630-14 and 11550-15 and resolutions 813885-2015 and 2015-016070 are also relevant (see annex 1).

5. Furthermore, in the exercise of its powers in the area of electoral justice, the Supreme Electoral Tribunal, having been consulted by a political party, reaffirmed in its resolution No. 4382-E8-2015 that the self-regulatory powers of political parties allow them to establish rules in their statutes that promote the political and electoral equality of women to an even greater extent than does the law.

6. That resolution is grounded in the principles of equality and non-discrimination contained in the Convention and is underpinned by other international human rights instruments.

7. The current status of the relevant draft laws is as follows:

(a) 18136: The Commission for Women has issued a unanimous opinion in favour of the draft law on combating workplace harassment in the public and private sectors.

(b) 18140: The Commission of Legal Affairs has issued a majority opinion in favour of the draft law on combating workplace harassment.

(c) 18797: The proposed amendments to article 95 of Act No. 2 — the Labour Code and amendments thereto — are currently under consideration by the Legislative Assembly's Ad Hoc Standing Committee on Women.

(d) 19010: The proposed amendments to article 52, paragraphs (ñ), (o) and (p), and article 96 of Act No. 8765, the Electoral Code, aimed at ensuring gender mainstreaming in political parties, are currently under consideration by the plenary of the Legislative Assembly.

(e) 19243: The comprehensive reform of the General HIV Act is currently under consideration by the plenary of the Legislative Assembly.

8. Measures taken to incorporate recognition of the intersecting forms of discrimination faced by women in the legal and policy framework include the adoption of Act No. 9305 of 24 August 2015 approving the amendment of article 1 of the Constitution to state that Costa Rica is a democratic, free, independent, multi-ethnic and pluricultural Republic.

9. This constitutional amendment enshrines the principle of non-discrimination and the positive principle of the recognition of all groups of people, which are

addressed in many international human rights instruments. The recognition of the multi-ethnic and pluricultural character of society has a positive effect with regard to the intersecting factors affecting women: by taking into account men and women from different ethnic, linguistic and cultural groups, among others, it mainstreams women in all their diversity.

Visibility of the Convention

10. In total, 11,462 women and 14,480 men from the judiciary received training. The other government institutions do not have sex-disaggregated data but reported that a total of 4,769 persons received training.

11. The National Institute for Women (INAMU) Information and Guidance Centre runs open, large-scale outreach activities on the rights of women set forth in the Convention, including effective maternity protection. In 2015 and 2016, it provided services to a total of 7,085 women.

12. Since 2015, awareness-raising and capacity-building processes targeted at those working in the areas of sexual and reproductive health, childbirth and post-partum care have been implemented, and humanized care has been adopted. Specific efforts have included the updating of the Guide to Comprehensive Care for Women, Boys and Girls in the Perinatal, Childbirth and Post-partum Stages, which came into effect in 2016; the creation of the Perinatal Education Manual for Pregnant Women and their Families (as part of the delivery of care level 1); the updating of the perinatal clinical history system (currently being reviewed by the Medical Department as part of its activities for the first half of 2016); work, as a matter of priority, on the Ministry of Health's national coordination process for the updating of the high obstetric risk standard; the updating of the low obstetric risk standard; and the development of a pregnancy loss standard (which is ongoing, under the coordination of the Ministry of Health).

13. According to the Electronic Jurisprudence Information Centre, during the reporting period, 82 judgments cited the Convention and 52 applied it (see annex 2).

Access to justice and legal complaint mechanisms

14. One platform is the Gender-Based Violence against Women and Access to Justice Observatory, an ongoing programme of the judiciary's Gender Secretariat. It began its work in June 2015 with a view to becoming an essential point of reference providing women, professionals and the media with the latest information on the various forms of violence faced by women and on the actions, programmes and resources that could be utilized by the judiciary to help them, within the scope of its competencies. Further information is available at: www.poder-judicial.go.cr/observatoriodegenero.

15. The "I'm a woman and I'm looking" section of the website lists the offices that women can contact in each province.

16. There are 15 Gesell chambers in the country, which help to prevent revictimization and eliminate the need for multiple interviews by making audio and video recordings of judicial proceedings involving adults and minors who are victims or witnesses in sexual offence or domestic violence cases.

17. The judiciary approved by 123 votes to 11 the Respect for Sexual Diversity Policy, which includes a commitment to guarantee that there is no discrimination on the basis of sexual orientation in the provision of services to the public or in the treatment of judiciary staff and the opportunities available to them. A judiciary rapid response team was formed in 2012 to provide comprehensive care to victims of rape and other sexual offences. Its purpose is to provide interdisciplinary, comprehensive

and timely care to victims of sexual offences within 72 hours of the incident in order to reduce the likelihood that they will contract HIV and other sexually transmitted infections, prevent revictimization and obtain legal evidence, with a view to guaranteeing their rights.

18. The national Labour Procedure Code has recently undergone a reform to ensure access to labour justice.

19. INAMU has made the official version and an easy-to-read version of the procedures established in the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women available to women, along with guidelines for submitting communications. This instrument has been used in capacity-building activities for women during the reporting period.

20. Furthermore, the Constitutional Jurisdiction Act establishes habeas corpus as a recourse for the protection of personal freedom and integrity against acts or omissions by authorities of any kind, including judicial authorities, against threats to that freedom from the authorities and against the undue disruption or restriction of that freedom by the authorities. The same applies with respect to unlawful restrictions on the right to freedom of movement within the State and to freely reside in, leave or enter its territory (Constitutional Jurisdiction Act, article 15).

21. Amparo may be invoked against any provision, accord, decision and, in general, against any action, omission or simple physical act not based on a valid administrative disposition, which is committed by public servants or public bodies and has violated, violates or threatens to violate any of those rights. Amparo may be invoked not only against arbitrary actions but also against actions or omissions resulting from the erroneous interpretation or improper application of norms (Constitutional Jurisdiction Act, article 29).

22. Constitutional challenges may also be brought against laws, general provisions — including those originating in acts of private individuals — and subjective acts of public authorities that violate, by action or omission, a constitutional norm or principle (Constitutional Jurisdiction Act, article 73).

23. Women may pursue amparo proceedings in matters concerning the violation of their political rights before the Supreme Electoral Tribunal, which has led to the generation of a significant volume of electoral case law invoking the Convention.

24. Special procedures concerning violence against women are contained in the Domestic Violence Act, the Criminalization of Violence against Women Act, the Act on Sexual Harassment in the Workplace and the Education System and the Act on Human Trafficking and the Creation of the National Coalition to Combat Illegal Smuggling of Migrants and Human Trafficking (CONATT).

25. The Labour Code and related labour standards establish procedures to address employment discrimination.

26. Agricultural disputes are heard by a dedicated division of the judiciary. The law establishing that division also establishes procedures for filing and processing claims.

27. The procedures for filing and investigating criminal complaints are set out in the Code of Criminal Procedure and special related laws.

28. A number of rights protection organizations have been established in Costa Rica:

(a) Bar Association social advocacy services: There are currently 17 social advocacy services providing legal advice and legal representation in judicial and administrative proceedings. Advocacy services specializing in criminal matters

involving violence against women have been established through a project being implemented by INAMU, in partnership with the Bar Association.

(b) The advocacy services provide legal advice on matters concerning employment, children, adolescents, alimony, family, adults and older persons and domestic violence. There are also social advocacy services specializing in offences under the Criminalization of Violence against Women Act and sexual offences.

29. Legal aid clinics at universities: These clinics provide free advice and assistance in legal processes in the areas of family law, civil law, employment law, environmental law and the law on gender-based violence. They do not handle criminal cases.

30. Mediation centres (*casas de justicia*): Mediation centres are alternative dispute resolution centres where women, and the population at large, can seek to resolve their problems with the help of a mediator. The objective is for the parties to a dispute to reach a legal agreement and resolve their differences through open dialogue, obviating the need to submit a claim in court. These services are free of charge.

31. The 19 mediation centres handle disputes concerning minor property damage; environmental issues such as noise, refuse and pollution; disagreements between business owners and consumers, employers and employees and fathers, mothers and teachers; parking in inappropriate locations; and non-violent family conflicts.

32. There is no disaggregated data available ng on access to justice for indigenous women, women of African descent, women with disabilities or women asylum seekers and refugees.

National machinery for the advancement of women

33. The approved INAMU budget for 2017 is 19,663,797,753.18 colones, comprising:

(a) Regular budget: 11,730,936,600 colones

(b) Surplus: 7,932,861,153.18 colones

34. INAMU has 267 persons on its payroll.

35. INAMU is currently (in 2016) the coordinating entity for the Technical Secretariat of the Costa Rican National Policy on Gender Equality and Equity (PIEG) and, as such, has various coordinating bodies and basic protocols and guidelines in place in order to ensure continuing coordination and facilitate the provision of technical assistance to institutions that have undertaken commitments under the third PIEG action plan, which covers the period 2015-2018. The coordinating bodies are the High-level Political Council, the PIEG Inter-institutional Technical Commission and the PIEG Technical Secretariat (coordinated by INAMU). The Office of the Comptroller-General has recently issued specific provisions to enable the Minister of Human Development and Social Inclusion to facilitate coordination as well, and to monitor progress on the achievement of the goals established by the institutions. Further information on the coordination mechanisms is available in the documents in annex 3.

36. INAMU oversees legislation and policies issued by other institutions on the basis of monitoring carried out by its various technical units, in particular the Legal Status and Human Rights of Women Unit. These units establish links with the Costa Rican Legislative Assembly (Congress). The Public Policy Management for the Economic Empowerment of Women Unit is involved in this process through its contact and coordination with, and monitoring of, the National Gender Unit

Network, which comprises gender units from the various institutions. The Regional Development Unit maintains communication with a number of Municipal Offices for Women, while respecting the principle of municipal autonomy established in the Political Constitution.

37. The Technical Secretariat carries out annual monitoring of the institutions' implementation of their commitments under the various PIEG action plans and quadrennial monitoring (stocktaking) of the implementation of each action plan. It conducted monitoring exercises based on the measurement of PIEG outcome indicators in 2008 and 2011 and plans to carry out another in 2017.

38. The most recent monitoring report covers the year 2015. The PIEG Technical Secretariat uses a form to compile information on the progress made on institutional commitments (see annex PIEG 2). It has also designed an electronic information and monitoring system (SIS-PIEG), which is currently in the second of five phases (see annexes 3 and 4).

39. It should be noted that the purpose of the gender equality units is to encourage institutions to mainstream gender equality and equity in their work and to guide, strengthen and monitor actions to implement the PIEG. Consequently, these units are most active internally, each promoting consideration of the needs of women in all programmes and services provided by the institution to which it belongs.

40. The National Gender Unit Network is a forum for coordination between all of the public sector gender equality units. It enables them to exchange information and experiences in respect of progress and good practices in the area of gender equality, and to promote the improvement of the existing gender equality mechanisms by means of conceptual, methodological and strategic updates. Thus, the Network does not work directly with women's organizations.

41. Another forum for coordination with civil society organizations is the Women's Forum, established pursuant to article 21 of Act No. 7801, which is represented on the INAMU Board of Directors.

42. The information requested on the Municipal Offices for Women's Affairs is contained in annex 5.

Stereotypes and harmful practices

43. Draft law 18102: Reform of the Images of Women in Advertising Act. A majority opinion in favour of the draft law has been issued. The text is now before the legislative plenary, awaiting debate and adoption by the legislators.

44. Draft law 18481: Recognition of same-sex domestic partnerships. An opinion on the draft law has not yet been issued. The Committee on Legal Affairs approved a substitute text on 26 May 2015.

45. Draft law 18483: Recognition of de facto unions between same-sex couples. The process has been closed in accordance with provisions of the Legislative Regulations requiring that draft laws on which no action has been taken must be shelved four years after their introduction.

46. Draft law 19333 on child marriage. A number of amendments have been made to Act No. 9406, which legally prohibits persons under the age of 18 from marrying. A unanimous opinion in favour of the draft law has been issued. The text is now before the legislative plenary. It is not on the agenda for the current period of special sessions.

47. Draft law 19062, amending article 380 of the Criminal Code (Act No. 4573 of 4 May 1970 and the reforms thereto), on combating discrimination, incitement to

hatred and advocacy of hatred or discrimination. A substitute text that addresses discrimination on the basis of sex and gender identity has been approved by the Human Rights Commission of the Legislative Assembly; an opinion by that Commission is pending.

48. Act No. 9220 in pursuance of provision 4.14 of the report of the Office of the Comptroller-General of the Republic. The Technical Secretariat of the National Child Care and Child Development Network is currently developing a proposal for a strategy to integrate fathers and mothers into the labour market or the education system, in accordance with Act No. 9220. The Office of the Comptroller-General has stipulated that the proposal must be submitted to the Advisory Committee of the National Child Care and Child Development Network no later than 28 February 2017.

49. With regard to educational curricula, in 2015 INAMU signed a cooperation agreement with the Ministry of Education whereby INAMU would contribute to processes to enhance gender equity and equality in the national education system. Since then, the Schools for Change programme has been transferred to the Ministry, and technical support has been provided for its introduction and execution in the regional directorates for education. The programme was introduced in five regional directorates in 2015 and 2016: San José Central, San José North, San José West, Desamparados and Cartago. The programme is scheduled to be introduced in the remaining regional directorates in 2017, with the aim of having it progressively rolled out in all primary schools across the country.

50. With regard to the additional information requested in relation to paragraphs 74 and 76 of the periodic report, it should be noted that those paragraphs do not mention any campaigns.

51. In 2016, INAMU, in collaboration with the Union of First Division Football Clubs (UNAFUT), implemented the MachisNo campaign, with a view to promoting actions to make football a sport that promotes equality between men and women. Its television campaign included a series of messages on shared responsibility in parenting. Analysis of the campaign revealed that it had a high recall level (33.4 per cent). Viewers associated it with shared responsibility in parenting; 18 per cent of recall touted the message that housework should be shared between men and women.

Gender-based violence against women

52. Costa Rican legislation addresses psychological, physical, sexual and patrimonial and economic violence in the Domestic Violence Act and the Criminalization of Violence against Women Act.

53. With regard to violence prevention, for the past two years, INAMU has been promoting actions to address the structural factors that perpetuate violence against women in communities where its incidence is high.

54. The programme includes a component designed to promote respectful and non-violent masculinity. The principal achievements of the programme to date are the delivery of capacity-building activities and training to networks of young men in 10 priority cantons; the delivery of capacity-building activities and training to networks in public institutions to enable them to continue and expand processes for reflecting on and changing sexist behaviour within the civil service; and the establishment of a strategic partnership with UNAFUT to develop the MachisNo communications campaign, which has included media and social network campaigns, the delivery of training in respectful masculinity to football players and technical and administrative staff in the first division (including youth leagues) and actions aimed at promoting violence-free, women-friendly and family-friendly stadiums.

55. A second component involves working with young women and adolescent girls in the 10 priority communities to provide them with community leadership skills and strengthen their ability to prevent all forms of abuse. The programme includes opportunities for young men and women to work together, with a view to promoting healthy relations between the sexes and non-sexist behaviour patterns.

56. The third component of the programme involves working with community leaders and members of community development associations and social organizations to address violence as a strategy for overcoming the indifference and tolerance that lead to the abuse of girls, adolescents and women. The aim is to build protective communities committed to eradicating sexism and all forms of violence.

57. In addition, the Costa Rican Social Security Fund (CCSS) is implementing two programmes at the institutional level. The first aims to strengthen resilience, prevent risky behaviour and enhance life skills among children and adolescents. This programme includes a platform for sending messages to smartphones and receiving questions from adolescents. The second programme, Strong Families, involves working with families over a number of sessions to improve communication and conflict resolution. These programmes are proven to be effective and have been used across Latin America by the Pan American Health Organization.

58. The Ministry of Public Education's PIEG action plan includes the development of a programme to provide legal advice and comprehensive support (psychological and legal) to victims of sexual harassment within the Ministry and a programme to prevent the sexual harassment of its employees and teachers.

59. The National Violence against Women and Domestic Violence Care and Prevention System is a formal three-tiered mechanism with a political component run by the National Council of the National Violence against Women and Domestic Violence Care and Prevention System, comprising eight institutions, namely ministries, the judiciary and regulatory entities; a technical component run by the Monitoring Committee of the National Violence against Women and Domestic Violence Care and Prevention System, composed of 26 governmental and civil society organizations; and an operational component, which is active at the local level and comprises 77 local violence care and prevention networks. INAMU provides the Technical Secretariat.

60. The Act establishing the System provides for annual reporting to the Governing Council and the general public on progress made on national and sectoral policies and the situation with regard to violence against women and domestic violence. The accountability reports present progress towards the implementation of the National Plan for the Care and Prevention of Domestic Violence (PLANOVI). The reports, which are published on the INAMU website, systematically set out the actions of all of the institutions belonging to the System.

61. As for social organizations, Feminist Information and Action Centre (CEFEMINA), Women's Alliance and Feminist Network against Violence (Costa Rican chapter) are participating in the System.

62. Since 2014, the work of the Unified System of Statistics on Gender Violence in Costa Rica (SUMEVIG) has focused on reviewing national and international requests for information. With the help of an analysis produced by a consultant, entitled "Diagnostic analysis and development of a project to improve statistics on gender-based violence, with an emphasis on violence against women and sexual violence", new indicators were developed to progressively increase data disaggregation and improve the quality of data.

63. An inter-institutional cooperation agreement currently being negotiated would strengthen SUMEVIG by integrating it into the National Violence against Women and Domestic Violence Care and Prevention System and assigning it responsibility for the coordination and analysis of data production, collection, systematization, documentation and dissemination of statistical data on the various forms of violence against women, in line with the commitments set out in the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará). Indicator data for the period from 2012 to 2016 is currently being collected and will be published in 2017.

64. Negotiations are under way with other institutions in the System, including the Ministry of Public Education, CCSS and the National Child Welfare Agency, to enable them to provide data to SUMEVIG.

65. As concerns data on prevalence, please refer to annex 6. Costa Rica does not have any information on complaints made against public officials.

66. The above-mentioned data can be accessed at: http://www.poder-judicial.go.cr/observatoriodegenero/.

67. In 2015, the misdemeanour courts received 7,411 complaints involving harassment of women in public areas, according to the Statistics Section of the judiciary's Department of Planning. Of those complaints, 4,547 concerned obscene language or acts, 2,638 concerned offensive propositions, 200 concerned indecent exposure and 26 concerned inappropriate touching. Data disaggregated by sex and age is not available.

68. In 2016, INAMU implemented a campaign entitled "Let's take action against sexual harassment", in collaboration with the Office of the Ombudsman and Peras de Olmo, a civil society collective. The project cost 19 million colones and had an impact on 5 million persons per month. The purpose of the campaign was to ensure that women were able to identify this type of violence and knew how to report it.

69. As concerns obstetric violence, CCSS is delivering capacity-building activities and updating the Guide to Comprehensive Care for Women, Boys and Girls in the Perinatal, Childbirth and Post-partum Stages from a humanized childbirth perspective. It is also implementing a national project on quality of care and patient safety in maternity wards. However, the matter of punishing obstetric violence is not yet being addressed. A number of workshops for maternity ward staff and hospitals in the country have been organized at the national level, with a view to raising staff awareness with regard to humanized treatment and giving them tools to manage situations that arise during labour, delivery and recuperation.

70. INAMU, in collaboration with CCSS, ran a series of workshops on perinatal education and the dignified and humanized treatment of pregnant women to provide training to 330 CCSS staff members on the human rights of women and pregnant women, access to health care and obstetric violence. To guarantee women's right to choose their birthing position, INAMU provided CCSS with the resources to purchase delivery beds that allow for different positions, thereby ensuring that the childbirth process is humanized and the rights of pregnant women and their children are respected.

71. Women who experience domestic violence can request protection from the justice system, which may involve any of the following: an order for the perpetrator to leave the couple's home, a restraining order, the authorization of a separate home, a search of the home, the prohibition of the possession of firearms or sharp weapons, the confiscation of weapons, the suspension of custody and involvement in the upbringing and education of children, the suspension of visitation rights, the protective custody of children, the prohibition of harassment and assault, an

alimony order, an attachment order, a property inventory, the awarding of the exclusive right to the use of furnishings, an order to pay monetary reparation for damages, a protection order or police assistance. Costa Rica has not assessed the outcomes of these protection measures.

72. There are three women's shelters in the country, located in the Greater Metropolitan Area, the Huetar Caribe region and Alajuela. The shelters have an annual budget of approximately $120 million. A specialist team of law and psychology professionals provides therapy and legal advice and assistance.

73. Local Committees for Immediate Care and Follow-up in High-risk Cases of Violence against Women (CLAIS) are currently operating in Alajuela, Alajuelita, Cañas, Corredores, Cartago, Desamparados, Hatillo, Heredia, Jiménez, La Cruz, Limón, Puntarenas, Santa Cruz, Siquirres and Turrialba. There is no available data concerning age, refugee status or disability. The purpose of the CLAIS is to provide an inter-institutional response to the need to provide immediate protection for women at a high risk of femicide and enhance timely inter-institutional and community-level intervention in these cases.

74. They also enable coordination with the institutions in the National Violence against Women and Domestic Violence Care and Prevention System and/or local violence care and prevention networks in order to provide a personalized and comprehensive response for victims, and they contribute to criminal investigations into offences involving violence against women.

75. The work of the CLAIS in 2016 included the provision of 43 emergency kits to women at risk of femicide. These kits contain a panic button connected to the 911 emergency system.

76. The shelters provided care for 458 women in 2015 and 424 women in 2016.

77. Another service that has been expanded is the provision of assistance in legal processes from lawyers, as a result of the hiring of specialist staff in all INAMU regional units. For criminal cases, legal assistance is provided through the advocacy services described in paragraph 28.

78. Women with disabilities access the shelters in the same way as other women: through the 911 emergency system. Unless they have multiple disabilities, they receive the same type of care as the other women in the shelters. The shelters comply with the requirements set out in Act No. 7600, the Equal Opportunities for Persons with Disabilities Act.

79. Costa Rican law has two relevant legal instruments: the Domestic Violence Act and the Criminalization of Violence against Women Act. Cases relating to the former are handled by the domestic violence courts, while cases concerning the latter are heard by the criminal courts. The legal aid mechanisms in place include legal advice provided by INAMU, social advocacy services and the Victim and Witness Protection Office.

Trafficking and exploitation of prostitution

80. The identification and registration of women victims of trafficking has been improved through two projects approved by the Office of the Comptroller-General of the Republic (see annex 7).

81. The following projects have been approved or are being implemented:

(a) Ongoing cyclical collection of intelligence information relating to human trafficking and the illegal smuggling of migrants. This project has been approved,

with a budget of 115,323,597 colones for the purchase of computer equipment and vehicles. Implementation of this project is under way.

(b) Strengthening of the Professional Migration Police Department through the provision of new means of transport to the institution (DPPM). This project has been approved, with a budget of 115,056,302 colones for the purchase of motorcycles and other vehicles. Implementation of this project is under way.

(c) Strengthening of the police work of DPPM through the acquisition of monitoring and surveillance equipment (DPPM). This project has been approved, with a budget of 12,734,464 colones.

(d) Improvement of the results obtained by the Judicial Investigation Agency (OIJ) in relation to offences involving the trafficking and smuggling of persons through the acquisition of vehicles. This project has been approved, with a budget of 85,572,000 colones for the purchase of motorcycles and other vehicles.

(e) Strengthening of the community development associations with a view to preventing human trafficking (Ministry of the Interior and the Police (MGP)). This project has been awarded, with a budget of 64 million colones.

(f) Development of a national policy to combat human trafficking and a strategic work plan for the National Coalition to Combat the Illegal Smuggling of Migrants and Human Trafficking for the period 2016-2020 (International Organization for Migration (IOM)). This project has been awarded, with a budget of 21,114,000 colones.

(g) Updating of the community security strategy to cover the prevention of human trafficking and the illegal smuggling of migrants (Ministry of Public Security (MSP)). This project has been awarded, with a budget of 87 million colones.

(h) Blue Heart Campaign against Human Trafficking (Department of Migration and Foreign Nationals (DGME)). This project has been awarded, with a budget of 128.5 million colones for 2016.

(i) Strengthening of the CONATT Immediate Response Team (DGME). This project has been awarded, with a budget of 276,085,304 colones. This is an ongoing, continuously operating project, as it creates the ideal conditions for the work of CONATT and its Immediate Response Team.

82. The CCSS has the entire health care system at its disposal to provide care for human trafficking victims, including routine check-ups, emergency care, specialist care, medical examinations and medications.

83. Furthermore, the CCSS leadership has signed institutional directive GM-DDSS-MDD-14584-2016 of 30 June 2016, which states that care must be provided to human trafficking victims and may not be refused on any grounds, including immigration status, nationality or insurance status. As a result of those efforts, care was provided to the 20 victims identified last year and four previously identified victims who required medical attention. Those services were covered by the State budget.

84. With regard to financial assistance, the Joint Social Assistance Institute (IMAS) specializes in assessing the situations of individuals to determine whether they are eligible for welfare, or support for productive activities.

85. Benefits awarded to this population have been exclusively for the purpose of meeting immediate welfare needs.

86. During the reporting period, the cases of 20 persons were considered, 15 of whom received support. All of those cases were referrals from the CONATT Technical Secretariat. The budget used amounted to 7,530,000 colones (see annex 8).

Number of human trafficking-related complaints and trials, by year: 2013-2015

	Human trafficking-related complaints received		*Number of persons tried by the criminal courts**	
Year	*Office of the Public Prosecutor*	*Office of the Public Prosecutor and Judicial Investigation Agency*	*Convictions*	*Acquittals*
2013	44	61	15	7
2014	43	62	15	9
2015	48	55	13	0

* The number of trials in a given year does not necessarily correspond to the number of complaints filed that year.

Produced by: Statistics Section of the Planning Department.

87. With regard to prostitution, there are no government programmes with the objectives mentioned in the list of issues and questions in Costa Rica; however, non-governmental organizations are addressing those issues.

Participation in political and public life

88. One of the strategies to increase women's participation in politics was the "Now you are ready" campaign, designed to promote the participation of all women leaders in municipal elections; the campaign focuses on revitalizing women's leadership abilities and skills to encourage them to run in these elections.

89. In 2016, INAMU trained 1,600 women from a range of backgrounds in political participation, leadership and gender parity, in order to motivate them to participate and stand for election within their political parties.

90. Work has been done to further develop a political training course for women offered by the INAMU Centre for Political Training.

91. The Government is continuing to develop strategic partnerships to achieve gender parity and to boost women's political participation, and, with the Supreme Electoral Tribunal (TSE), is assessing parity in elections. It is working with social organizations to encourage equal participation and to ensure that more women become chairpersons of boards of directors; and it has developed a course on gender and diversity, from which more than 10 organizations have benefited. In addition, it has worked to address political violence against women at the national and international levels (by adopting the Declaration of Peru and a framework law on the follow-up mechanism to the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (MESECVI)).

92. Annual meetings with elected women leaders are held with the aim of raising awareness, ensuring that women's issues are on the agenda and supporting the women leaders in incorporating a gender perspective into their management. In 2015, a meeting was held with women elected as deputies in the legislative assembly, and in 2016, a meeting was held with women who had recently assumed local office (mayors, deputy mayors and councillors) in order to develop gender-sensitive management tools.

93. One aspect not included in the electoral reform of 2009 was horizontal parity, because, according to the TSE, "it constitutes a breach of the principle of

constituencies' autonomy that governs the Costa Rican system for all elections, with the exception of the presidential election. Moreover, it violates the democratic principle that should govern the selection of nominees by political parties, according to which authority should flow from the grass-roots level up to the National Assembly, and not the converse" (Zamora, 2009, 208).

94. In a ruling on a case concerning unconstitutionality, in which INAMU acted as the party at interest, the Constitutional Chamber annulled the electoral case law on the subject, stating that political parties are required not only to ensure that there is internal parity within each roster of candidates, but also that there is parity across all the lists of candidates for popularly elected positions, in other words, parity in the first-listed candidates, or horizontal parity, and that, accordingly, such organizations must take the actions, or establish the agreements and procedures that they consider most appropriate (including, of course, possible consultations with the TSE, as the competent body) [...] (taken from Resolution No. 2015-016070 of the Constitutional Chamber of Costa Rica, a summary of which is attached).

95. Therefore, the TSE conducted a further review of this information, and has concluded that to achieve parity of rosters of candidates for the Legislative Assembly, parties must ensure not only that provincial rosters are comprised of 50 per cent of each sex (listed in alternation), but also that this proportion is respected in the first-listed candidates on provincial rosters proposed by each group. Political parties must define, in their rules of operation, the mechanisms used to give effect to this parity regime. However, in the event of the submission of rosters of candidates which fail, for whatever reason, to comply with this requirement, the Electoral Registry must rearrange the order of candidates on those rosters, as necessary, prior to voting.

96. With regard to the measures taken or envisaged to ensure that political parties include women in the first slots on rosters of candidates, as described in the previous paragraph, since the adoption of the new TSE resolution (TSE, No. 3603-E8-2016), parties are required to apply the principle of vertical and horizontal parity to rosters of candidates for elected office.

97. For the TSE, 2015 was critical in terms of building political parties' capacity; for this reason the Institute for Training and Research in Democracy offered training that enabled political party leaders from the Greater Metropolitan Area and from rural areas to access electoral training through face-to-face workshops (in San José and in rural areas), videoconferences, online training and digital newsletters.

98. With regard to women's representation in appointive posts, in 2016 a new law was proposed in the Legislative Assembly. Draft law No. 20.001, "Addition of article 5 bis to the Act on the Promotion of Women's Social Equality", is aimed at implementing the principle of parity in government ministries and vice-ministries, as well as on boards of directors, and with respect to chairpersons and managers of decentralized entities — in other words, in all posts to which candidates are directly appointed by the executive branch.

99. This draft law is currently under discussion in the Women's Committee. However, legislators have filed a large number of motions in order to hinder its adoption. In response to this, INAMU issued a statement of support for the draft law, and has made substantive contributions to the public discussion that has been generated in the media (annex 9).

100. With regard to the political participation of indigenous women, at the national level, they do not participate in such bodies as the Legislative Assembly or hold government positions, nor have they achieved full representation in local and territorial forums.

101. The amendment to article 21 of the Community Development Act (Act No. 3859) increased women's representation in the Indigenous Development Associations; women now hold 40 per cent of positions within them (see Figure 1).[1] However, the posts considered more important, including those of president, vice-president, treasurer and first counsel, are dominated by men (see Table 1).

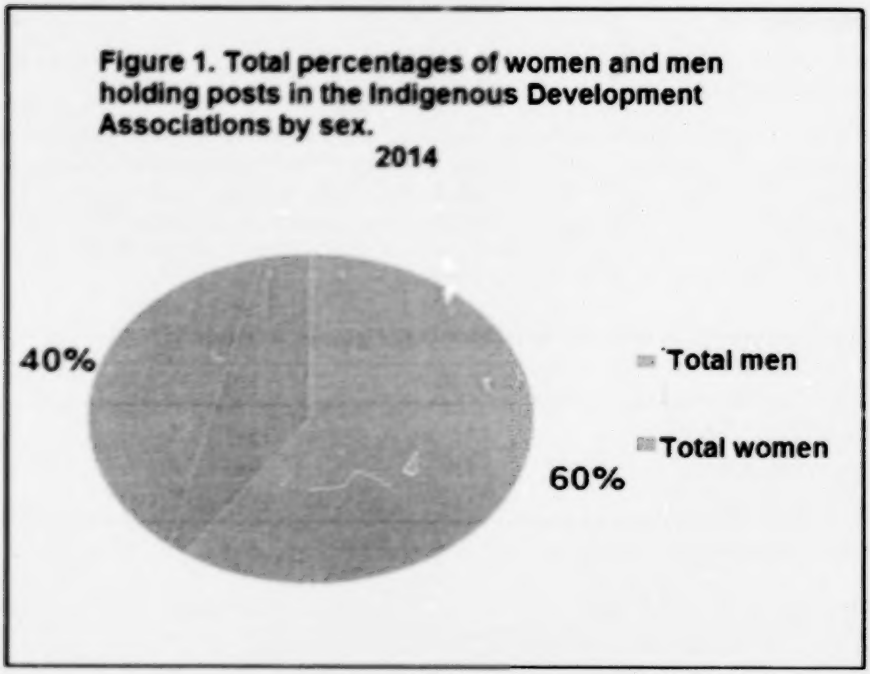
Figure 1. Total percentages of women and men holding posts in the Indigenous Development Associations by sex.
2014
40%
60%
Total men
Total women

Table 1[2]

Distribution of seats on the governing boards of the Indigenous Development Associations by sex

Percentages and absolute figures for 2014

Post	*Men*	*Women*	*% Men*	*% Women*
Chair	20	4	83.3%	16.7%
Vice-Chair	17	7	70,8%	29,2%
Treasurer	16	8	66,7%	33,3%
Secretary	17	7	70.8%	29.2%
Board member 1	9	15	37.5%	62.5%
Board member 2	13	11	54.2%	45.8%
Board member 3	5	19	20.8%	79.2%
Counsel 1	18	5	78.3%	21.7%
Counsel 2	3	4	42.9%	57.1%
Total	**118**	**80**	**59.6%**	**40.4%**

[1] *Source*: Figure is based on data from the National Directorate for Community Development (DINADECO), provided in an e-mail of 27 September 2014 from Ms. Lorena Maritza Soto Moraga.

[2] *Source*: Table is based on data from the National Directorate for Community Development (DINADECO), provided in an e-mail of 27 September 2014 from Ms. Lorena Maritza Soto Moraga.

102. Act No. 18719, which addresses political harassment, is under consideration by the Special Committee for Women's Issues of the Legislative Assembly.

103. Draft law No. 18.199 is under consideration by the First Plenary Commission of the Legislative Assembly.

Education

104. The action plan for the policy on gender equality and equity (PIEG) is being implemented by the Ministry of Public Education.

105. In 2012, the Ministry of Public Education and the Consulate of the Republic of Nicaragua in Costa Rica established the Ministry of Public Education-Nicaraguan Embassy consular card, which is issued by all the schools in the country for Nicaraguan students. With regard to disaggregated data on the enrolment of specific populations, the Department for Statistical Analysis has provided data on enrolment in indigenous areas, but it is not disaggregated by sex:

Initial enrolment in institutions located in indigenous territories

	2014	*2015*	*2016*
Pre-primary	1 535	1 687	1 818
First and second cycles	8 424	8 463	8 428
Secondary schools	3 543	3 644	3 651

Source: Department for Statistical Analysis, Ministry of Public Education.

106. The PIEG action plan includes the promotion of a strategy for expanding scholarships and grants to population groups that are vulnerable because of their gender. It also includes plans to train staff in preventing child pregnancy, and to put a programme in place to support teenage mothers and pregnant teenagers, teenage fathers and girls below the age of 13 in order to ensure that they remain in school. According to the data, in 2015, 51 per cent of National Scholarship Fund awards went to men for distinction in sport, while the remaining 49 per cent were allocated to women for open secondary education and post-secondary education, and to young and teenage mothers. With regard to the measures taken to prevent harassment and violence against girls in the education system, the Ministry of Public Education has implemented the Schools for Change programme.

107. This programme is designed to provide a conceptual, methodological and operational system that supports primary schools in implementing, strengthening and institutionalizing practices that favour gender equality and equity. Currently, 87 schools, under the management of five Regional Directorates for Education, are implementing the programme.

108. INAMU, with the Paniamor Foundation (a non-governmental organization) will launch a project this year to incorporate the concepts of equality, violence prevention and a culture of peace into the Ministry of Public Education curriculum for children eight years old and under.

Employment

109. The Employment Mediation Programme supports groups of unemployed or underemployed persons interested in receiving training to improve their occupational profile (through the acquisition of skills and knowledge) or in strengthening their knowledge of different kinds of production. Young persons aged 15 and older are eligible. This programme is developed with local governments and

agreements are signed with municipalities to promote it. Currently, there are agreements with 67 of the 84 municipalities in the country.

110. Through another programme called "Find a job", participants each receive US$330 per month in financial support to cover the costs of a specific training programme. In 2016, 338 women were trained through the "Find a job" programme and 115 municipal officials were trained through the Employment Mediation Programme in conjunction with the Ministry of Labour and Social Security. The cantons that benefited from the programmes were La Cruz, Upala, Liberia; San Carlos, Pococí, Santa Ana, Puriscal, Oreamuno, Turrialba, Jacó, Pérez Zeledón and Golfito.

111. The Gender Equality and Equity at Work programme, under the auspices of INAMU, seeks to promote women's entry into the labour market and to improve the quality of women's employment; to those ends, it will focus on such areas as employment mediation, selection and recruitment, comprehensive health at work and the balance between work and family life.

112. The Gender Equality Management System (SIGIG) is being promoted to public and private organizations in order to achieve these objectives. The project began in April 2016, and the main results achieved last year were:

(a) Pending proceedings with the Costa Rican accreditation body were completed, the "Gender Equality Seal" was registered with the National Registry and regulations for the granting and use of the Gender Equality Seal were published. In addition, a commission with the authority to award the Gender Equality Seal was established. It is now functioning and has made progress in the development of an inspection system.

(b) Through this process, 105 companies and public entities have been made aware of the regulations, the Seal and the support that the project can provide. In the framework of the second meeting of the High-level Panel on Women's Economic Empowerment, held in Costa Rica on 15 July 2016, 45 letters of intent were signed with private companies and public entities, in which they publicly expressed a commitment to gender equality and to working towards the establishment of a gender equality management system for their organizations.

113. In 2016, thanks to institutional coordination between the National Inspection Directorate, the Gender Unit of the Ministry of Labour and Social Security and INAMU, gender was incorporated into the Decent Work Programme of the National Inspection Directorate, which now includes gender equity and non-discrimination as one of its components.

114. Two tools were created to support the development of the inspection system: the Guide to Inspection with a Focus on Gender and the Catalogue of New Offences with a Focus on Gender. A series of training and awareness-raising workshops were developed and a group of inspectors comprised of both genders was selected to initiate the process of identifying differences in the treatment of men and women which could be considered discriminatory acts, including the issue of the wage gap, on the basis of the conceptual and methodological framework previously provided, which will continue to be developed.

115. The implementation of the work programme of the National Employment Directorate described above helps to ensure that women have access to social security, and to improve their working conditions in general.

116. The Office of the Comptroller General of the Republic issued a report which obliges the Technical Secretariat of the National Child Care and Child Development Network to develop a proposal for a strategy on the integration of fathers and

mothers into the labour market or the education system, in accordance with Act No. 9220. According to the Office of the Comptroller, the proposal should be submitted to the Advisory Committee of the National Child Care and Child Development Network no later than 28 February 2017.

117. This strategy should be submitted to the executive branch in order for it to be issued as a document which is binding on all the actors in the National Child Care and Child Development Network.

118. Number of maternity leaves granted in 2016:

Age range	*Number of days granted*	*Number of women*
15-19 years	19 920	165
20-24 years	333 077	2 727
25-29 years	636 013	5 205
30-34 years	623 966	5 114
35-39 years	297 529	2 460
40-44 years	55 516	454
45-49 years	3 477	29
50-54 years	90	1
55-59 years	123	1
Grand total	**1 969 711**	**16 144**

119. The only way for women who work in the informal sector to be eligible for maternity leave is by contributing to CCSS as self-employed workers.

120. With regard to the recognition of paternity leave entitlements, article 46 of the CCSS Regulations on Labour Relations provides for a paternity leave or other paid leave of six calendar days after the birth of a child. This is exclusively for permanent staff; as Costa Rica has not ratified International Labour Organization Convention No. 156, paternity leave for temporary staff is granted at the discretion of the employer, company or institution. No statistics on paternity leave are available.

121. With regard to the measures taken to improve women's access to the National Child Care and Child Development Network, according to data provided by the Network's implementation units, the number of minors benefiting from its services is progressively increasing, as is the number of care and child development centres that receive boys and girls thanks to funding from the Network.

122. From January to December 2015, the Network provided care for 45,384 children at 1,055 child care and development centres, and over the same period in 2016, it provided care for 51,297 minors at 1,151 centres for alternative kinds of child care and development support.

123. The Network has also been establishing measures to ensure the quality of the services offered by child care and development centres. In 2016, the Inter-Agency Technical Committee of the National Child Care and Child Development Network established, in a participatory process, a mechanism for monitoring the alternative structures for direct assistance to children that fall under its competency. This mechanism provides for follow-up actions related to the organization, management, and communication and coordination of institutions that are stakeholders in the child care and child development policy.

124. In addition, in 2016, the Technical Secretariat of the National Child Care and Child Development Network conducted 244 on-site advice sessions, aimed at improving the quality of services provided by the care centres visited.

125. Furthermore, with the support of a loan from the Inter-American Development Bank, it is developing a strategic institutional plan and a conceptual, operational and organizational framework, which will include a long-term vision for social policy on child care and development, and minimum quality standards which the country's child care and development services must meet.

126. Infrastructure needed to provide overnight care is being installed. Currently, there are seven child care and development centres that receive children with funding from the Joint Social Assistance Institute and which have overnight-care facilities, as well as 18 centres operated by the National Directorate for Education and Nutrition Centres and Children's Nutrition and Comprehensive Care Centres with overnight-care facilities.

127. With regard to domestic workers, CCSS has recently issued a regulation that makes it possible for women who work part-time (at an hourly rate) to be insured by multiple employers.

128. Under the procedure for cases of violations of domestic workers' rights, victims lodge complaints with the Labour Inspectorate, which are dealt with by (male and female) inspectors who conduct an investigation; if the situation cannot be remedied at the administrative headquarters level, the complaint is referred to the judicial system.

129. Remedies are set out in paragraphs 11 and 12 of this report.

130. Under the Act on Sexual Harassment, women have recourse to article 610 of the Labour Code, which provides for fines in cases where rulings establish that labour standards have been violated: "when a fine is applied, the ruling in question must necessarily order the restitution of the rights that have been violated, reparation of the damage caused and the measures necessary for those ends". In such cases, physical and moral harm are also assessed.

131. As for measures taken to ensure that women, including those in the informal sector, have access to social security and benefits on the same basis as men, by building the capacity of the staff of the National Labour Inspectorate and including a gender approach in its inspection system, procedures for the protection of labour rights are being strengthened and women's rights to social protection are being respected on an equal footing with the rights of men. In the formal sector of the economy, if non-compliance by any business is identified, preventative measures are taken and a record of the violation submitted. With regard to the informal sector, the enterprises that participated in the seventh National Fair for Women Entrepreneurs promoted by INAMU are being encouraged to enter the formal economy; in addition, insurance is one of the issues addressed in the training and advice sessions offered by the INAMU entrepreneurship programme.

Health

132. No progress has been made on the adoption of Bill No. 16.887 by the Legislative Assembly. The action plan for implementation of the national sexuality policy includes a draft proposal that will be analysed by the Inter-Agency Commission on Sexual and Reproductive Rights in the first half of the year.

133. The Ministry of Health is drafting a protocol on technical standards for the use of therapeutic abortion with the support of an inter-institutional committee comprising representatives of CCSS, the Ministry of Foreign Affairs and the Ministry of Health.

134. With regard to the crime of abortion, there is a regulation that provides for post-abortion care, but the political climate is not currently conductive to expanding the circumstances under which therapeutic abortion, the only kind of abortion which is legal, may be performed.

135. With regard to contraception, the birth control (etonogestrel) implant (Implanon) is being made available for the entire population, especially adolescent girls. Its use has been promoted through the dissemination of information, awareness-raising and training for adolescents in two regions with high incidences of teenage pregnancy: Huetar Atlántica and Brunca, within the framework of the Meso-American Project for the Prevention of Teenage Pregnancy.

136. The Ministry of Health has launched a strategy to ensure that male and female condoms are accessible regionally and locally, in areas which already had technical outreach workshops and were developing regional plans. It has begun working on a health standard for contraception that will incorporate updated instructions on the use of modern contraceptive methods (to be completed in 2017).

137. As registration of the female condom has been approved, female condoms can be distributed and sold in the country. The Regulatory Directorate of the Ministry of Health is currently in the process of analysing an emergency contraceptive that has been submitted for registration; if approved, it will be made available for sale.

138. In relation to in vitro fertilization, the CCSS Board of Directors has ordered the development of an in vitro fertilization project, in accordance with the decision of the Inter-American Court of Human Rights. The protocols for clinical care have already been established, and fact sheets containing information on the required inputs, drugs and reagents are under preparation. In compliance with Executive Decree No. 24029-S, provision of service is expected to begin in February 2018. This service is already available to women through private clinics.

139. No positive policy has been put into place to improve sexual and reproductive health services for women who live in remote areas.

Economic empowerment of women

140. As part of the Gender Equality Seal project, and bolstered by the findings and recommendations of the United Nations High-level Panel on Women's Economic Empowerment, INAMU initiated a process of coordination with the financial sector. Two working meetings were held, one with 11 representatives of the national and international financial sectors (from public and private banks and international financial institutions) to discuss and agree on actions to guarantee women's access to financial services and to close the existing gap. This project calls on the national financial sector, including savings and loan cooperatives, to understand and recognize women's contribution to the productive sector and their right to access to financial services, and it advocates tailoring credit to women's needs.

141. Furthermore, the national entrepreneurship policy strengthens linkages and coordination between the institutions that drive the economic and social development of the entrepreneurial ecosystem. This ecosystem is created through the Small and Medium-sized Enterprise Network, which seeks to make use of public resources. The National Support Network for the Social and Economic Empowerment of Women was established by Decree No. 38733-MEIC-MCM-MAG-MTSS-MICIT-MDHIS of 21 November 2014, which encourages entrepreneurship for women's social and economic empowerment. The Network facilitates the coordination of technical, business and financial tools extended by various institutions to undertakings and enterprises led by women, and serves to encourage productive linkages, strengthen value chains and empower business associations.

142. There is also the 32-04 Bancredito-IMAS-Banacio/73-2002 Trust (Fideimas), which operates through two branches of the State Bank and through providers of microcredit. Fideimas subsidizes the interest rates of the providers of microcredit and provides them with guarantees against non-repayment, and they set requirements that make credit accessible to women.

143. In 2016, Fideimas provided 1,305,695 million Costa Rican colones in credit. It assisted 427 women (68.2 per cent of its clients) and 197 men;. 53 per cent of female loan recipients were heads of households.

144. Information on the results of women's access to loans and how those loans were used is not available; the only information available concerns the bank loans that were granted (see annex 11).

145. Programmes being promoted to improve the living conditions of women heads of household include:

(a) FOMUJERES: a competitive programme that provides seed capital for business ventures. In the period from 2014 to 2016, FOMUJERES disbursed US$ 7million to 3,207 women.

(b) Avanzamos Mujeres ("Women, let's move forward"): this programme assists approximately 7,000 women in conditions of poverty annually.

(c) Bridge to Development Plan: for the 2014-2018 term of government, Act No. 7769 has included in its definition of women in need of assistance those who meet the criteria set out in the Bridge to Development Plan, a poverty reduction strategy. Thus, the women selected are women living in priority districts, and in conditions of extreme poverty. From 2015 to 2016, the Bridge to Development Plan brought about a 1.6 per cent reduction in the number of female-headed households living in extreme poverty.

146. The Emprende ("Start a business") project has worked with a total of 996 micro- and small enterprises headed by women; 5 per cent of these are micro- and small businesses headed by women with disabilities (primarily motor impairment). Seventy per cent of beneficiaries have received individualized assistance and 75.6 per cent have been trained in various subject areas, including conversational English (17 per cent), marketing and communication (12.65 per cent), administrative management (8.2 per cent), safety management and good manufacturing practices (6.6 per cent), business strategies and goal-based planning (10 per cent), leadership and empowerment (5 per cent), use of social networks (10 per cent), account management (4.32 per cent), sales and client retention techniques (2 per cent), "Knowing the math of my business" (1.4 per cent), partnerships (2.6 per cent), costs and price-setting (2 per cent), how to start a business (2.3 per cent), financial records (3.5 per cent), and joint business responsibility (2 per cent). Fifty per cent of the beneficiaries took part in business forums.

147. In addition, various initiatives have been undertaken, among them the amendment of Decree No. 39733 on encouraging entrepreneurship for women's social and economic empowerment. The amendment is designed to make the Decree more inclusive (by extending it to cover women with disabilities) and to encourage the National Support Network for the Social and Economic Empowerment of Women to adopt a gender approach, including cross-cutting planning and budgeting.

148. Road maps to ensure the sustainability of the processes initiated last year have been created; plans include the launch of the three local service platforms in the three regions covered by the project. Services provided include training, provision of technical and financial advice, offers of seed capital and help with formalization procedures. A cross-cutting , ublic policy for the coordination of services that

facilitate women's access to productive resources is being proposed; the intention is to facilitate the formation of inclusive women's associations to enable the launch of a partnership project that will facilitate women's access to the resources necessary for the development of their micro- and small enterprises.

Rural women

149. In 1990, with the entry into force in Costa Rica of the Real Equality for Women Act, the Agrarian Development Institute, now the Institute for Rural Development (INDER), changed the way land was allocated and titled. Since 1995, property titles have been in both men's and women's names when applicants are married or living in de facto unions. Women heads of households can now also apply for land, in accordance with the relevant INDER regulations. According to the information registry of INDER, during the period from 2014 to 2016, a total of 303 parcels of land were allocated to women at the national level, and 740 titles to land were awarded, also at the national level (see annex 13).

150. With regard to measures taken to increase women's participation in decision-making processes within rural associations and agricultural businesses, the process of transforming the Agrarian Development Institute into INDER, through Act No. 9036, published in Official Gazette No. 103 on 29 May 2012, has led to a new model for territorial governance. Twenty-eight territorial rural development councils were established, in a process involving 9,873 rural women, who comprised 46 per cent of participants (11,434, or 54 per cent, of the participants were men). The 28 territories now have permanent representation on the steering committee of the Territorial Council for Rural Development, in order to enable them to advocate for rural women. To strengthen their work, a network of rural women's representatives has been established. The rural development councils are comprised of a total of 231 women and 331 men; in other words, women make up 41.1 per cent of representatives. With regard to leadership positions within the steering committees of the rural councils, four women are chairs and 18 are vice-chairs. This new territorial governance structure will encourage bottom-up planning, and will promote development projects in every territory where rural women are not only beneficiaries, but leaders.

151. The country's three largest universities have developed a project called Rural Women: Land Rights and Expression, aimed at strengthening recognition and defence of rural women's human rights in order to improve their living conditions related to land, living space and health. Through the project, 40 women have been trained in human rights and relevant laws.

152. In addition to the "Start a business" project, the roll-out of FOMUJERES has benefited women from all over the country, including women in rural areas. Rural women also participate in the regional fairs that are organized to promote and sell their products and establish productive linkages.

Indigenous women and women of African descent

153. Article 1 of the national Constitution has been amended to read: "Costa Rica is a democratic, free, independent, multi-ethnic and pluricultural republic". Signed on 24 August 2016, this reform is a step forward on the path towards genuine equality for these populations.

154. Women from the 24 indigenous territories are represented on the National Indigenous Women's Forum. To date, progress has been made in the areas of health and housing, working in conjunction with the Ministry of Housing and Human Settlements (MIVAH) and CCSS. In 2016, representatives worked on defining the demands of the National Indigenous Women's Forum and developing a protocol that

reflected the goals, independence and role of this space for encounters, dialogue and political impact.

155. The National Forum of Women of African Descent has also been established as an autonomous space for organization and political impact. The Forum includes representatives of various organizations of women of African descent and female leaders. It is a space for dialogue, gathering and political impact for women leaders from different social organizations and territories.

156. A centre for political education has been established for indigenous women and women of African descent in the province of Limón. It is intended to promote women's empowerment with a view to strengthening their political participation in decision-making at the local, cantonal, regional and national levels.

157. Although the Costa Rican Government does not have special institutional services for responding to violence against women in indigenous communities, it has made efforts to assist women in those communities in situ, through periodic visits by staff from its institutions. Such visits are intended to make women aware of the legal and social means of protection against violence provided by the State.

158. The law on domestic violence and the law setting out penalties for violence against women do not contain specific protective measures for women in indigenous communities, but the State supports these women's access to justice by providing resources such as interpreters to facilitate communication, if required.

159. It should be noted that women of African descent and indigenous women participate in all processes described earlier in this report.

Women with disabilities

160. In 2016, adjustments were made to the national disability policy and the draft plan of action for its implementation was drawn up. The policy includes a focus on gender: a focus on the rights of persons with disabilities and a focus on gender must be incorporated into any redesign and formulation of public and institutional policies to which institutions have committed in the plan of action. This is a strategic action and one with which institutions must comply. Moreover, the draft plan of action contains a number of strategic actions which require strict application of the gender focus, and others that require a specific focus on women and girls with disabilities. Negotiations on the plan will be completed in the first quarter of 2017, and these commitments will then become binding. An executive decree, covering the changes made to the national policy and the plan of action, is expected to be issued in the second quarter.

161. The commitments related to the policy agenda for women with disabilities, "Breaking Barriers", have been included in the plan of action, although not all of them have been included because some of the commitments prescribed for the National Council for Persons with Disabilities do not fall directly within the scope of its competence. That notwithstanding, the priority interests and requests expressed by the women consulted during the process of formulating the plan of action have been proposed as strategic actions for adoption by the relevant bodies. As explained in the previous paragraph, the adjustments to the national policy and to the associated plan of action are still in the process of being formalized.

162. However, the National Council for Persons with Disabilities has continued the work on empowering women with disabilities which it began in 2013. One of its main activities in 2015 and 2016 was to inform the regional women's groups of the content of the disability policy agenda to enable them to integrate it into their regional agendas, according to their needs.

163. CCSS ensures that no forced sterilizations are performed; informed consent is required for any medical procedure to be carried out. The disability policy plan of action contains a proposal to review and adjust the application of the protocol for obtaining informed consent, to ensure that information is presented in a format that is accessible, comprehensible and inclusive of persons with disabilities, not only for medical procedures relating to sexual and reproductive health, but for all procedures that persons with disabilities undergo.

164. The enactment of the Act on the Promotion of the Personal Autonomy of Persons with Disabilities (Act No. 9379), which repeals the regime of wardship, is a milestone that will contribute significantly to the independence of persons with disabilities.

165. There is no data on the number of girls with disabilities in the mainstream education system.

Migrant, asylum-seeking and refugee women

166. With regard to the requested data, which should be disaggregated by age and geographical origin, about the situation of migrant, asylum-seeking and refugee women and their participation in the labour market and education, and health systems, it is only possible to provide some statistical data on migrants and some information on work permits for refugees, because the most specific information on labour and access to education resides with the relevant authorities.

167. The entry of political asylum seekers and stateless persons is processed initially by the Ministry of Foreign Affairs of the Republic. Once more detail is available, it will be possible to provide statistical tables showing the female migration trends of both migrants in general and refugees in particular (see annex 9).

168. The 2014-2018 National Development Plan includes the incorporation of the refugee population into the economic development of Costa Rica among its strategic objectives, using the "Graduation Model".

169. This programme is being rolled out by the Office of the United Nations High Commissioner for Refugees in coordination with the Directorate General for Migration and Alien Affairs, and entails structured technical support activities to enable refugees to overcome poverty.

170. With regard to the right to work of refugees and applicants for refugee status, it should first be indicated that as soon as persons seeking refugee status have completed their eligibility interview, they are provided with a card which gives them the right to work in the country and identifies them as applicants for refugee status.

171. This document, which functions as a work permit, features a DIMEX (Migratory Identity Document for Foreigners) number which the applicant keeps if refugee status in Costa Rica is granted.

172. Once refugee status is granted, an individual must be able to present a document as evidence; a DIMEX document certifying that he or she is a refugee is issued for that purpose.

173. It is important to note that refugees' DIMEX documents do not contain the descriptor "refugee in order to avoid any stigmatization or discrimination against this population. International protection of properly accredited refugees in Costa Rica includes the right to work freely, without further migratory regulations applying, as the work permit they obtain is not subject to conditions.

174. The regulations on migration and general national regulations guarantee full rights to foreigners in Costa Rica. As article 19 of the national Constitution stipulates, foreigners have the same social and individual rights and duties as Costa Ricans, except as regards involvement in political affairs.

175. As has been indicated previously, the comprehensive migration policy of Costa Rica precisely sets out institutional duties, including with regard to gender issues, on the basis of full respect for the human rights of migrant and refugee populations.

176. In addition to the above policy, the General Law on Migration and Alien Status (Act No. 8764 of 2009) addresses the matters of integration, interculturality and gender equity.

177. Furthermore, the Regulations on Refugees, contained in Decree No. 36831-G of 2011, include the following references:

(a) Article 10. Differentiated approach. In the application of these Regulations, the national authorities shall promote and adopt a differentiated approach to the handling of cases, on the basis of, and taking into account, the specific and individual needs of stateless persons, unaccompanied minors, victims of trafficking, male and female victims of gender-based violence, and applicants for refugee status. This approach must be followed at every stage of the administrative procedure, from an individual's entry into the country to his or her full economic, social, legal and cultural integration.

(b) Article 11. Gender Focus. The immigration authorities, and particularly male and female officials working in the Refugee Sub-process Office, are required to apply a gender focus in their work; their observation of reality must take into account sex and gender variables and their manifestations in a particular geographical, ethnic and historical context.

178. Under Costa Rican legislation, every child born in the country automatically acquires Costa Rican nationality. The Supreme Electoral Tribunal (TSE), through the Civil Registry, ensures that boys and girls born in the national territory are effectively registered. This work is carried out not only at the offices located throughout the country, but also by conducting visits to remote locations.

Women in detention

179. The electronic tag programme has not been put into practice. Progress has been made, with the allocation of a budget of US$ 1.5 million, and the assembling of a team composed of professionals in law, psychology, social work and counselling.

180. The national programme for women who face criminal sanctions was established by Executive Decree No. 38139-JP of 28 January 2014, and on 3 August 2016, the programme director was appointed. It is a cross-cutting programme linked to all the programmes of the General Directorate for Social Adaptation, which addresses the needs of the female population (adults, young adults and older adults). Through this programme, the prison administration seeks to promote the measures necessary to eliminate discrimination against women in accessing the justice system, in view of the gender-specific attention that women require.

181. The following health services are available:

(a) A clinic in the Buen Pastor (Good Shepherd) prison (with a medical director, general physician, nurse obstetrician and dentists once or twice a week).

(b) In addition, campaigns have been developed for the three levels of prevention: mammogram campaigns are conducted with the support of private

clinics; routine medical care, consisting of daily consultations or responses to inmates' health problems, is provided both in prisons and in external hospitals or clinics, and patients with chronic conditions and HIV are monitored by the Medical Services Department. Specialized care is given to older people to mitigate mobility problems resulting from age and deterioration while in prison. It is important to mention that in 2016, the National Institute of Criminology (INC) set out regulations, in a circular, for the operation of the facility dedicated to the care of the children of persons being held in Buen Pastor.

182. With regard to family reunification, Executive Decree No. 39418-JP was promulgated, leading to the placement of sentenced women in the Semi-Institutional Programme, and the reduction of social and family vulnerabilities through support provided by the professional prison staff, as well as inter-institutional coordination, which serves to provide support networks.

183. The INC is prioritizing a policy of de-institutionalization conducive to reintegration into society, the family and the workplace. Its policy is designed to minimize the vulnerabilities of persons serving criminal sentences, especially in the case of women, as a way to disassociate criminality from poverty and promote family reunification by strengthening family and community ties.

184. The INC approved the placement, in 2016, of 190 women in the various centres operated by the Semi-Institutional Programme; there are currently 439 women in this Programme. In addition, a total of 1,629 women out of the total of 2,565, or 63 per cent of the female population in the penal system, are in the Community Care Programme. Only 19 per cent of the women in the penal system are in prisons.

185. The network for women involved in criminal proceedings and for their dependants in a vulnerable situation has encouraged assertive communication and coordination between the various entities that comprise it, which include INAMU as the coordinating body, the National Training Institute (INA), IMAS, the Alcohol and Drug Addiction Institute (IAFA), the National Child Welfare Agency (PANI), the judiciary and the Office of the Vice President of the Republic. At least 90 per cent of the 128 adult women placed in the Semi-Institutional Programme by the INC were referred to the inter-institutional network, mainly to receive help from IMAS, INAMU and the Alcohol and Drug Addiction Institute. The juvenile criminal justice programme has referred six women to the network, with a request for the services of the programme for teenage mothers, "Avancemos" ("Let's move forward"), the family well-being programme and the Care Network.

Marriage and family relations

186. Costa Rican legislation provides for the same rights for men and women in the dissolution of marriages and de facto unions.

187. In relation to child marriage, Act No. 9406 was adopted, and published in the Official Gazette on 13 January 2016. With the adoption of this Act, the marriage of persons under 18 years of age became illegal.

188. The Civil Registry is not permitted to register any marriage of persons under 18 years of age. This law amends article 159 of the Penal Code by establishing penalties of imprisonment for those who enable or engage in oral, anal or vaginal sex with an underage person, provided that it does not constitute the crime of rape, on the following basis:

(a) A sentence of three to six years if the victim is between 13 and 15 years of age, and the perpetrator is five or more years older than the victim.

(b) A prison sentence of two to three years if the victim is between 15 and 18 years of age, and the perpetrator is seven or more years older than the victim.

(c) A prison sentence of four to ten years, if the perpetrator's relationship to the victim is that of a forebear, uncle, aunt, brother or sister, cousin by blood or by marriage, guardian or custodian, or if the perpetrator holds a position of trust or authority with respect to the victim or his or her family, through kinship or other circumstances.

189. In the case of brides or grooms under the age of 15 and of Costa Rican nationality, the system does not allow registration of the marriage certificate when it detects that either party is under 15 years of age.

190. The regulations on the certification of marriages established by the Registration Section provide that when an official discovers, pursuant to an investigation and the application of the relevant criteria, that an illegal marriage has taken place, he or she shall order its nullification, which will be reported to the National Directorate of Notaries for the appropriate purposes.

191. Adjustments are being made to prevent the system from allowing the generation of marriage certificates of persons under the age of 18 years, on the basis of the entry into force of Act No. 9406 of 13 January 2016.

192. INAMU conducts training and outreach activities to raise awareness of the law on the prevention of child marriage.